

1 related to the FCC rules?

2 A No. Again, I think that it's again a continuation
3 of the joint sales agreement where the venture employees
4 were Pathfinder employees. I think it's also -- I mean,
5 what the Commission is concerned about is control of the
6 employees as I understand it, and as long as Dave Hicks has
7 the right to control his employees, discipline them if he
8 wanted to, discharge them if he wanted to, hire them if he
9 wanted to, that that's what's critical from an FCC
10 standpoint. So, no, I didn't have a problem with that.

11 Q Were you aware that Hicks employee were actually
12 going to received a Pathfinder paycheck? In other words, a
13 check with Pathfinder printing on it?

14 A I think we may have discussed that. Now, I don't
15 know if that -- if that kind of a check would have gotten
16 the RBR radio stamp put on it. I assume it would. But, you
17 know, certainly from the employees' standpoint, which is
18 critical that they know who employed them and who they were
19 reporting to. That's what I thought was the critical
20 feature.

21 Q How about the W-2 forms, the tax forms at the end
22 of the year, were you aware at this point in time that the
23 Hicks Broadcasting employees would actually receive a W-2
24 issued by Pathfinder?

25 A I don't remember if we specifically discussed that

1 or not. My -- I may have been, but I can't separately say
2 it, but, you know, it would be consistent again with
3 everything I've said. If they were, I wouldn't have had a
4 problem with it.

5 Q Now, is there any of the advice that you gave in
6 this memo back in 1994 that you would change today?

7 A No, I think I can live with that advice still. I
8 think it's accurate advice, put it that way.

9 Q All right, let's look at a new document. This is
10 Mass Media Bureau Exhibit No. 3; page 87 within that
11 exhibit.

12 A Eighty-seven? Eighty-seven?

13 Q Eighty-seven, yes. Exhibit 3, page 87.

14 A Okay.

15 Q Can you tell us what this document is, Mr.
16 Campbell, please?

17 A It's labeled as The Operating Agreement of Hicks
18 Broadcasting of Indiana, LLC.

19 Q What role, if any, did you have in the creation of
20 this document?

21 A I don't recall any role in it. I think that was
22 prepared between local out in Indiana and Michigan.

23 Q Do you know whether you reviewed it all before it
24 got signed?

25 A I don't think I did, no.

1 Q Did there come a time when you became aware that
2 Pathfinder was planning to employ Dave Hicks?

3 A Yes.

4 Q Tell us a little bit about how you came to know
5 that.

6 A I know that -- my recollection is that probably
7 Bob Watson, perhaps John Dille, indicated that they -- there
8 was an opening at WCUZ in Grand Rapids and that they were
9 contemplating hiring Dave as the manager out there, which is
10 not far from his home, I believe, and whether I saw a
11 problem with that.

12 Q Did you?

13 A No.

14 Q What was the advice that you gave in connection
15 with that --

16 A That I thought -- I'm sorry. That I didn't' see a
17 problem with hiring him to manage those stations out there,
18 which I believe they did.

19 Q Do you know whether Dave Hicks was employed by
20 Pathfinder prior to taking those positions you've just
21 referred to?

22 A I know he had a role with respect to national
23 sales earlier than that, but I don't know who the employer
24 of that, whether it was Pathfinder or another entity who
25 would have employed him. And I think when that arose, they

1 also discussed that, either Bob or John would have discussed
2 that with me.

3 Q Okay. And did you have a problem with Dave
4 assuming a position with respect to national sales?

5 A No, I didn't.

6 Q Let me refer you to another exhibit. This is No.
7 99 in the Mass Media Bureau Exhibits, Volume 3.

8 A I have that.

9 Q Do you recognize this document, Mr. Campbell?

10 A It's a Broadcast Equal Employment Opportunity
11 Program Report form, I think it's 396, that would be filed
12 with a renewal application. This one is labeled "WTRC-AM,
13 WBYT-FM/WRBR-FM."

14 Q Did you or your office have any involvement in the
15 preparation and filing of this Form 396?

16 A I think it was prepared by either Bob Watson or
17 Dave Hayes or someone in their office in Elkart. It was
18 sent to me for filing with the renewal applications for
19 those stations, at least for the renewals for WTRC and WBYT.

20 Q Okay. Now, there are three stations listed here
21 in the form section that's entitled "Call letters."

22 A That's correct.

23 Q Was WRBR a Pathfinder Communications station at
24 this time?

25 A No, that was owned by Hicks Broadcasting, and

1 there is a parenthetical on the second line indicating as
2 much.

3 Q And then let me refer you to the second page of
4 this exhibit. Do you recognize who signed this document?

5 A It certainly looks like Bob Watson's signature.

6 Q Do you know whether Mr. Watson was a director or
7 an officer, secretary or treasurer or WRBR at this time?

8 A To my knowledge, he was not; never has been.

9 Q Can you explain for us why Mr. Watson is signing a
10 Form 396 that appears to have information relating to WRBR?

11 A I think what this is reflecting is Bob was signing
12 this for the WTRC and the WBYT renewal applications, which
13 are licensed to Pathfinder. Whether, in connection with
14 this application or other ones, I would have -- the
15 Commission's procedures are not perfect in this area, and I
16 would have told him -- I think what this report is trying to
17 reflect is that these are the employees for those two
18 stations, but it also includes shared employees or employees
19 that are providing sales services for WRBR.

20 I've certainly filed renewals in that form where
21 you have local management agreements or whatever they are
22 where you have the employee of the licensee, but that same
23 licensee has employees who are providing services for
24 another station for which it's not the licensee. I've told
25 clients put them all on the same report and reflect at the

1 top that this includes, you know, employees who are
2 providing services to this other station.

3 Q Let me refer you to another document that I think
4 relates to this Form 396. This is in Pathfinder's volume,
5 Exhibit No. 45.

6 A What exhibit?

7 Q Number 45.

8 A Forty-five. Okay.

9 Q Do you recognize this memo?

10 A Yes. Does this memo relate to the Form 396 that
11 we were just looking at?

12 A Yes.

13 Q Tell us what advice you're giving here.

14 A I was saying that the report that is the Exhibit
15 99 is okay for WTRC and WBYT, but that for the WRBR renewal
16 application we needed a separate Form 396 that would just
17 reflect the WRBR employees. We had been filing the annual
18 employment reports, I think, at that point that had
19 indicated that there were fewer than five full-time
20 employees for WRBR, and that there should be a report filed
21 with the WRBR renewal application that would just show that,
22 fewer than five full-time employees, Form 396, and not have
23 any of the common employees -- the shares employees of BYT
24 or the TRC employees on it, and that's what the March 28th
25 memorandum was saying had to be done.

1 MR. GUZMAN: Your Honor, we'd move at this time
2 for the admission of Pathfinder Exhibit No. 45.

3 JUDGE CHACHKIN: Any objection.

4 MR. SHOOK: No.

5 JUDGE CHACHKIN: Pathfinder Exhibit 45 is
6 received.

7 (The document referred to,
8 having been previously marked
9 for identification as
10 Pathfinder Exhibit No. 45, was
11 received into evidence.)

12 MR. GUZMAN: Your Honor, I have no further
13 questions at this time.

14 JUDGE CHACHKIN: Any cross-examination?

15 MR. SHOOK: Yes, we do.

16 I take it Hicks has no examination?

17 JUDGE CHACHKIN: Does Hicks have any examination?

18 MR. HALL: No, Your Honor.

19 CROSS-EXAMINATION

20 BY MR. SHOOK:

21 Q Mr. Campbell, we've met.

22 A Yes.

23 Q You know me. I'm James Shook, and I'm going to be
24 representing the Mass Media Bureau with respect to the
25 questioning here.

1 I'd first like to direct your attention to Mass
2 Media Bureau Exhibit 1, specifically, page 18.

3 MR. HALL: Exhibit 1, Mr. Hicks?

4 MR. SHOOK: Yes.

5 JUDGE CHACHKIN: It's the joint sales agreement.

6 MR. SHOOK: Yes, sir.

7 THE WITNESS: What page?

8 MR. SHOOK: Page 18.

9 THE WITNESS: Yes, I see that.

10 BY MR. SHOOK:

11 Q All right, and there were some questions directed
12 to, I believe, the last two sentences of Section 4.4(a), and
13 if you would please just take a moment to read those two
14 sentences and familiarize yourself with them.

15 A Okay, I'll try to. I'm looking at them. They say
16 what they say.

17 Q All right. If I recall correctly, you were
18 involved in the drafting or negotiation process for coming
19 up with this document?

20 A Correct.

21 Q Now, looking at this particular section, is there
22 any significance to the \$5,000 figure that appears on the
23 document?

24 A Not to me. I mean, I don't recall now where the
25 5,000 came from, but I assume that was something at the

1 business level they agreed to.

2 Q Could that figure just as easily have been
3 \$10,000?

4 A Yes.

5 Q \$20,000?

6 A Yeah.

7 Q \$50,000?

8 A I think so. I think they could have set it up
9 that way.

10 Q \$100,000?

11 A At some point it probably becomes impractical as a
12 business arrangement, but I don't know why they couldn't do
13 that.

14 JUDGE CHACHKIN: You say you had nothing to do
15 with putting in those numbers?

16 THE WITNESS: The picking the \$5,000 number,
17 Judge, no, I don't know where that came from.

18 BY MR. SHOOK:

19 Q Let's just -- let's just say for the same of
20 discussion that instead of \$5,000 we have \$100,000 in there.

21 Would that raise a question in your mind as to
22 that in terms of controlling finances if one company could
23 carry a receivable from month to month in the amount of
24 \$100,000 with respect to the other?

25 A No, I don't think so. I don't think there is any

1 magic number that the Commission would say if you get over
2 that number, it's too much. If you're under that, it's
3 acceptable. There would come a time where there is a
4 business deal you might not want to do it, it gets too high
5 to have receivables up there, but I don't -- I'm not aware
6 of any reason that there is a number that the Commission
7 would say is too high or too low.

8 Q Well, so this \$5,000 figure was determined by
9 business consideration as opposed to FCC considerations?

10 JUDGE CHACHKIN: Well, the witness can't testify.
11 He doesn't know where those numbers came from. He had
12 nothing to do with it; isn't that correct?

13 THE WITNESS: Sitting here right now, I don't know
14 where the \$5,000 figure came from. It's possible it was
15 there in the first draft. It could have been going back and
16 forth. I don't know.

17 BY MR. SHOOK:

18 Q Now, with respect to the joint sales agreement, as
19 a general proposition I take it that -- was there some
20 reason why, in terms of joint sales, that the common
21 management person involved is going to be the general sales
22 manager and not the general manager?

23 A No, I don't know that -- I don't know any reason
24 for that. Again, without going back and, you know, looking
25 into whatever drafts the parties went through, it could have

1 been there probably was that that was the person that was in
2 there from the start. I don't have an independent
3 recollection right now, one person versus another.

4 Q Now, you had said, I think, if I remember right,
5 that in terms of involvement with joint sales agreements,
6 there were a number of numbers that you mentioned, and I
7 don't remember now in terms of the significance of your
8 involvement.

9 You mentioned two to five, and then the number 10
10 also came up.

11 A What I was saying is that, in addition to this
12 agreement, I can recollect two other clients for whom I have
13 negotiated joint sales agreements. One of those clients, it
14 was more than one state at more than one time. I think that
15 probably got to about five that I had actually negotiated on
16 behalf of three different clients if you count this one.

17 I think I also at various times would have looked
18 at for a client who is not a party to a joint sales
19 agreement but was aware of the terms or had a copy of it,
20 you know, reviewed one of those for another client who
21 wanted to know what was in there or whatever.

22 Q With respect to the five that you were personally
23 involved with, did any of those five involve the
24 establishment of a common general manager?

25 A Not that I can recall right now.

1 Q I want to direct your attention to page 31 of that
2 exhibit.

3 A I have that.

4 Q Do you recall a time when this document came to
5 your attention?

6 A Yes.

7 Q Approximately when did that happen?

8 A I think I became aware of this when we were
9 preparing the responses to the Niles petition. I don't
10 know. This is dated -- it looks handwritten in August 17,
11 '93. I don't know that I saw this document then.

12 Q I want to direct your attention to the second
13 paragraph, and if you could please just read that to
14 yourself.

15 A I see it.

16 Q Did there come a time when the information that
17 appears in the second paragraph came to your attention?

18 A Yes.

19 Q Approximately when did that take place?

20 A I think, again, in preparing the responses to the
21 Niles pleadings.

22 Q Focusing specifically on the first sentence of the
23 second paragraph, were you aware of the information that is
24 contained in that sentence prior to the filing of the
25 application of Hicks Broadcasting of Indiana LLC to acquire

1 Station WRBR?

2 A No. If I was, we would have included a reference
3 to whatever the agreement was, if one existed, in the
4 application.

5 Q Please turn to page 32 of Exhibit 1.

6 A I have it.

7 Q I understand from your direct testimony that the
8 information that appears in this memo you obtained as a
9 result of a conversation with Mr. Dille?

10 A I believe that's correct, I got it from Mr. Dille.

11 Q Was there anybody other than Mr. Dille who
12 provided you information that ultimately appeared on this
13 memo?

14 A I don't think so. It's possible Bob Watson might
15 have, but I think it was John Dille.

16 Q Could you please turn to Mass Media Bureau Exhibit
17 22? It's in the second volume. Excuse me.

18 A Twenty-two?

19 Q Yes, sir.

20 A I have that.

21 Q Now, if you could just read that to yourself,
22 please.

23 (Witness reviews document.)

24 A Okay.

25 Q Now, looking at the date of this document and

1 seeing that it's from Mr. Watson, do you have any
2 recollection at this time whether or not you had spoken with
3 Mr. Hicks about representing what was to become Hicks
4 Broadcasting of Indiana in connection with the purchase of
5 WRBR?

6 A I know I spoke to -- this is dated September 27th
7 and doesn't show me as a cc on it, and I don't know that I
8 got it at that time. I may have spoken to Dave by that
9 time, but I don't recall specifically if I had.

10 Q Could you please turn to Mass Media Bureau Exhibit
11 17, which is in the same volume.

12 A I have it.

13 Q Is the ACC that is represented next to each of the
14 dates that reflects services for yourself?

15 A Yes.

16 Q Now, in looking at this invoice, does this -- does
17 anything on here help you remember whether or not you had
18 contact with Mr. Hicks in connection with the proposed
19 purchase of WRBR in the period in question?

20 A Not clearly. These are invoices obviously sent to
21 Bob Watson. At that point I had not established a formal
22 relationship with Hicks, and therefore the invoice went up
23 to Watson. It doesn't help me whether I had spoken to Dave
24 before that or not. I might have, but I don't recall.

25 Q Now, when you first became acquainted with Mr.

1 Hicks, and I take it this is some time in the autumn of
2 1993?

3 A I believe that's correct, yes.

4 Q Were you representing Mr. Dille's adult children
5 in connection with any of your dealings with Mr. Hicks?

6 A I was representing the applicant and its
7 constituent parts in connection with the assignment
8 application, if that's what you're asking. I know that the
9 Dilles have local counsel in Indiana that would represent
10 their corporate type interests.

11 I don't know if that answers your question or not.

12 Q Well, I just wanted -- in terms of your own
13 thinking, your own understanding at this time, your
14 understanding was that you were going to be representing the
15 entity to be formed?

16 A Hicks Broadcasting, correct.

17 Q As opposed to simply representing the Dille
18 children?

19 A Or simply representing David Hicks. I didn't see
20 myself -- I don't think I represent John Dille. I think I
21 represent David Hicks. I represent Pathfinder and I
22 represent Hicks Broadcasting.

23 Q Could you please turn to Exhibit 37, which is in
24 the same volume?

25 A Yes, I have that.

1 Q And I believe you indicated that you had received
2 this document from Mr. Hicks?

3 A Yes.

4 MR. SHOOK: Your Honor, I don't believe this has
5 been done yet. The Bureau offers Exhibit 37 into evidence.

6 JUDGE CHACHKIN: Any objection?

7 MR. GUZMAN: No, Your Honor.

8 MR. JOHNSON: None, Your Honor.

9 JUDGE CHACHKIN: Exhibit 37 is received. Bureau
10 Exhibit 37 is received.

11 (The document referred to,
12 having been previously marked
13 for identification as MMB
14 Exhibit No. 37, was received
15 into evidence.)

16 BY MR. SHOOK:

17 Q Mr. Campbell, please turn to Exhibit 40 now

18 A I have that.

19 Q I believe you testified that this is the letter
20 that you sent that commenced the formal representation by
21 your firm of Hicks Broadcasting of Indiana?

22 A Correct, the formal, yes.

23 MR. SHOOK: Your Honor, I don't believe this has
24 been moved into evidence either. The bureau offers it at
25 this time.

1 JUDGE CHACHKIN: Any objection?

2 MR. JOHNSON: No, Your Honor.

3 MR. GUZMAN: No, Your Honor.

4 JUDGE CHACHKIN: This is 40?

5 MR. SHOOK: Yes, sir.

6 JUDGE CHACHKIN: Bureau Exhibit 40 is received.

7 (The document referred to,
8 having been previously marked
9 for identification as MMB
10 Exhibit No. 40, and was
11 received into evidence.)

12 JUDGE CHACHKIN: Was there any response to this
13 letter --

14 THE WITNESS: No, I see at the --

15 JUDGE CHACHKIN: -- relating to the terms?

16 THE WITNESS: I see at the top I didn't ask him to
17 do it, but I guess Mr. Hicks had done that with prior
18 counsel. That looks like his writing in the top right-hand
19 margin. Some of the attorneys provide a space at the bottom
20 asking the client conform that they agree to it. I don't
21 put that in my letters, but David did anyway.

22 BY MR. SHOOK:

23 Q Mr. Campbell, could you please turn to Bureau
24 Exhibit 24, which is also in the same volume?

25 A Yes, I see that.

1 Q The ACC next to the date of 10-14 is yourself?

2 A Yes.

3 Q And who is JMP?

4 A I think that's one of our -- a law clerk, whoever
5 it was at the time. It's not the law clerk we have now and
6 I can't recall who that was, but it was the law clerk.

7 Q All right. With respect to the 10-14-93 entry,
8 does that help you fix in your mind when it is that you may
9 have first made contact with Mr. Hicks?

10 A No, it doesn't. No.

11 Q Would you please now turn to Mass Media Bureau
12 Exhibit 32?

13 A Let me just add one comment if I could to that
14 last response.

15 You know, this is an entry in October, and I think
16 you had earlier showed me one in September. I mean, by that
17 time it was clear that Pathfinder was not going to be the
18 entity and couldn't buy the station. So I certainly didn't
19 think I was, although the billing went that way, I think for
20 convenience I knew that it wasn't Pathfinder the entity that
21 would end up acquiring the stations.

22 Q Just so we understand each other, in terms of the
23 billing process, I don't necessarily want to go into great
24 detail in terms of how your firm bills, but by what
25 mechanism would it be determined that the particular bills,

1 the two bills that we've looked at, should be sent to the
2 entity to which they were sent?

3 A When I as the responsible attorney would fill out
4 the paperwork establishing a matter in a file, opening that
5 with the billing information on it, and that probably was
6 around -- well, I don't know when it was, but that's what it
7 takes to have a client's address to send a bill to. And
8 it's not uncommon that I've done work before I've opened the
9 -- formally opened the account. My partners would prefer I
10 not do it, but I have.

11 Q Well, in terms of doing work before you formally
12 open the account, I take it, though, the entity that you
13 ultimately perform the service for is the one that's
14 actually receiving the bill?

15 A They certainly be the one getting charged for the
16 time, yes. I mean, I would think that would be their
17 responsibility. I don't know if Watson, you know, made
18 charges, like took these bills that were clearly for Hicks
19 Broadcasting and allocated them to Hicks Broadcasting or
20 not, but I assume he would have.

21 Q If you could please, I think I had asked you to
22 direct your attention to Mass Media Bureau Exhibit 32.

23 A Correct.

24 Q Does this help your recollection in terms of when
25 it is that you first had contact with Mr. Hicks?

1 A This is -- well, the time entry is November 17.
2 It doesn't say who I called. I don't -- I can't say from
3 that entry, no.

4 Q Please turn to Mass Media Bureau Exhibit 33.

5 A I have it.

6 Q And just read that to yourself.

7 (Witness reviews document.)

8 A I've read it.

9 Q Does this help fix in your mind when it is that
10 you first had contact with Mr. Hicks?

11 A I would think it was certainly before. This is
12 dated November 23, and it would appear that Dave certainly,
13 Dave Hicks anticipated or felt that I was representing Hicks
14 Broadcasting at that point in time, so my guess is that I
15 did talk to David before that, yes.

16 Q Now, directing your attention again to Mass Media
17 Bureau Exhibit 37, which is in the same volume that you
18 have.

19 A I have it.

20 Q Now, do you know whether anyone other than Mr.
21 Hicks and ultimately Mr. Watson were involved in the
22 preparation of the assignee's portion of the WRBR assignment
23 application?

24 A In addition to me?

25 Q Yes, in addition to you.

1 A I don't believe anybody else was.

2 Q Now, I want to direct your attention to Page 9.

3 A Of that exhibit?

4 Q Yes, sir.

5 A I have it.

6 Q Do you have any knowledge as to how it was
7 determined that an affirmative answer should be given?

8 MR. JOHNSON: What question?

9 MR. SHOOK: Section 3. There is only one question
10 for Section 3.

11 MR. JOHNSON: Okay. I don't think you said
12 Section 3.

13 MR. SHOOK: If I did not, I am now.

14 THE WITNESS: No. I mean, that was the way it
15 was -- the way I received it and I didn't have any reason to
16 question that.

17 BY MR. SHOOK:

18 Q And I take it then you did not ultimately have a
19 discussion with Mr. Hicks as to how it come about that the
20 response was checked in the affirmative?

21 A No, I did not.

22 Q Did you have a response with anybody else, or
23 excuse me, a discussion, a conversation with anybody else in
24 terms of how that response came to be checked in the
25 affirmative?

1 A No.

2 JUDGE CHACHKIN: Did you discuss any portion of
3 this draft application with anyone after you received it for
4 review?

5 JUDGE CHACHKIN:

6 THE WITNESS: I discussed it with David Hicks.

7 JUDGE CHACHKIN: What did you discuss with David
8 Hicks?

9 THE WITNESS: I believe I called David to ask him
10 about the marginal note he made on what's marked as page 6
11 in the exhibit. I know I talked to him about what he meant
12 there. I then, after I revised the -- typed this on a form
13 and prepared the exhibits, I talked to Dave as well then.

14 JUDGE CHACHKIN: What does this refer to?

15 THE WITNESS: I believe that that wa referring to
16 the joint sales agreement is my recollection, and I think
17 the thrust of the discussion was -- I don't know what David
18 meant by "need to check," but I think what I told him is
19 that the -- you know, the joint sales agreement is
20 referenced in one of the exhibits, but the rules don't
21 require that it be filed or be in there. That's my
22 recollection of it.

23 JUDGE CHACHKIN: And that's the only portion of
24 this exhibit that you discussed after it was sent to you for
25 your review?

1 THE WITNESS: I think that's correct. I did
2 discuss the exhibits with David. My recollection is that --
3 I notice on the front if you'll look at the caption there
4 are notes in there, the Crystal Radio Group, and it says
5 where the stations are. I think when this first -- when I
6 first prepared the exhibits, I thought David owned 100
7 percent and it looks like it was, you know, 35 percent, and
8 that looks like my handwriting, and it looks like the word
9 "chair" is under that. So my recollection is that I
10 discussed that exhibit with him, and I think I probably
11 discussed with Bob Watson the details on the Dille children
12 because I don't think I had all of the decimal points right
13 in the -- completely accurate in what I said there what the
14 interests were and the different -- and Pathfinder's or
15 Truth.

16 JUDGE CHACHKIN: You did know that the money for
17 the children was going to be supplied by Mr. Dille?

18 THE WITNESS: No, I did not.

19 JUDGE CHACHKIN: Oh, you did not know that?

20 THE WITNESS: No.

21 JUDGE CHACHKIN: When did you learn that?

22 THE WITNESS: When we were preparing the responses
23 in '96.

24 BY MR. SHOOK:

25 Q Mr. Campbell, just to make certain, focusing your

1 attention on Section 5, which appears on page 9.

2 A Five?

3 Q Right.

4 A Okay.

5 Q And you'll notice that it was apparently initially
6 checked "yes" and then that was scratched out and then the
7 "no" box is checked.

8 Did you happen to discuss with Mr. Hicks how it
9 was that a "no" response was being given?

10 A No, I don't recall that. I think it came this
11 way.

12 Q Right. My question is having come that way and
13 noticing that the box was initially checked apparently one
14 way and then checked another way, did you have any
15 conversation with him about that?

16 A No.

17 MR. SHOOK: Your Honor, I do have some more
18 questions, but I'm finished with the application so I think
19 this would be a good time to break.

20 JUDGE CHACHKIN: All right, I think we'll recess
21 today until 2:00.

22 (Whereupon, at 12:25 p.m., the hearing was
23 recessed, to resume at 2:00 p.m., this same day, Tuesday,
24 November 3, 1998.)

25 //

(2:00 p.m.)

JUDGE CHACHKIN: On the record.

Whereupon,

ALAN CAMPBELL

having been previously duly sworn, was recalled as a witness herein, and was examined and testified further as follows:

CROSS-EXAMINATION (Resumes.)

BY MR. SHOOK:

Q Mr. Campbell, could you -- we'll resume with Volume 2 of our exhibits, and the three exhibits that I would like you to look at Exhibit 39, Exhibit 42, and 43, and my question is basically will be on the three of them.

A Exhibit 39, 42 and 43, is that correct?

0 Yes.

A Okay.

Q First of all, with respect to the three exhibits, am I correct that the three exhibits represent the three statements that you authored and sent to Mr. Hicks for the period December 1, 1993 through February 28, 1994?

A The one that's -- 39 is December 1 to December 31.
Forty-three is February 1 to 28, and --

Q Forty-two.

A -- 42 is January 1 to January 31.

Yeah.

1 Q Okay. Now, in looking through this what I don't
2 notice, and perhaps you can tell me if there is some
3 explanation, no reference to the telephone call that the
4 staffer made to you with respect to seeking an amendment for
5 WRBR.

6 A I see that. I think that that occurred on the
7 17th. There is an entry -- that would have been February
8 17th when I wrote the letter to Dave Hicks. There is an
9 entry on, -- I guess February 15, I think, actually is the
10 one that should have been a February 17 that I'm reflecting
11 the call from the staffer.

12 Normally my practice is to try to have the time
13 frame coincidental with the event, but sometimes I have a
14 habit of having time recorded with an earlier date on it. I
15 have to have six billable hours a day, and sometimes if I
16 wasn't good about changing the time record to the next day,
17 so I that's why that's the 15th entry. I think that's the
18 way.

19 Q So your recollection of the sequence of events
20 then would be that the entry that we see on Exhibit 43 as 2-
21 15-94, you believe should be 2-17-94?

22 A Yes.

23 I think the 17th letter was contemporaneous, and I
24 think this entry is actually on that day also.

25 MR. JOHNSON: Your Honor, I may be confusing Mr.

1 Shook, correct me if I'm wrong. Do you mean to be referring
2 to Exhibit 43 or 44 for this one?

3 MR. SHOOK: Point well taken. Mr. Campbell, I'm
4 sorry I confused you with that.

5 BY MR. SHOOK:

6 Q If you can take a look at Exhibit 44.

7 A Right.

8 Q And keep in mind the question I had asked for in
9 terms of -- the three exhibit now should be 39, 42 and 44.

10 A I've got it.

11 Q If I understand your answer correctly, those would
12 be the three consecutive months, December, January and
13 February were the statements that were sent to Mr. Hicks.

14 A I think that's correct.

15 Q Now, looking at Exhibit 44, does this help you at
16 all in terms of remembering when it was you spoke to the FCC
17 staff person?

18 Because this shows, for example --

19 A Right.

20 Q We were looking at the other statement, Exhibit
21 43, the one that was sent to Federated Media, and that
22 reflected a 2-15 date.

23 A Correct.

24 Q And now here we have a date of 2-14 in terms of
25 preparing FCC amendments.

1 A Um-hmm. And my answer would be the letter that I
2 wrote to Dave Hicks on the 17th I believe is the day I got
3 the call from the staff person. I think the entry on 2-14
4 is reflective it's dated 2-14 really records the event that
5 occurred on 2-17, and it's a billing practice of mine
6 sometimes where I'm actually entering on the time record a
7 couple of days prior to the events occurring.

8 Q So that on the day that you prepared the letter to
9 Mr. Hicks, that would also be the day that you had the
10 conversation with Mr. Watson and Mr. Dille?

11 A I think so, yes.

12 Q That's reflected in Exhibit 43?

13 A Forty-four. Forty-three.

14 Q This is going to be confusing enough.

15 A I think I -- I think on the 14th encompassed the
16 call from the staff, preparing the amendment, sending the
17 letter to Dave Hicks, preparing the amendment for Pathfinder
18 for Mr. Dille to sign, and then the entry on the 15th, which
19 is probably like the 16th or 17th, 18th or 19th is when I
20 talked to John about it in terms of making that change we
21 discussed, taking it out of the father and son and putting
22 it only in John's name.

23 But I'm sorry to say that the time entry -- the
24 date entries on here, because of my billing practices,
25 aren't going to jive with the letter of the 17th.